yet in *Glavin v. R. I. Hospital,* 12 R. I., 411, the charity was held liable on the ground of public policy, even though the plaintiff was a beneficiary of the trust fund.

CRIMINAL LAW—EVIDENCE—WITNESS WITHOUT JURISDICTION.—STATE V. CONKLIN, 133 N. W., 119 (IA.).—*Held,* that where a witness who had testified at a previous trial was beyond the jurisdiction, and his testimony had not been taken down in short hand, it was permissible for one who heard to give the substance thereof against the accused. Weaver and Evans, J. J., *dissenting.*

That the witness is not a resident of the state, or is absent therefrom at the time of the trial has been held sufficient ground for the admission of his testimony as taken at the preliminary examination. *Perry v. State,* 87 Ala., 30; *Cowell v. State,* 16 Texas App., 58. Some courts refuse to recognize this as a sufficient reason. *Finn v. Com.,* 5 Rand (Va.), 701, unless his absence was procured by the opposite party. *State v. Houser,* 26 Mo., 431. Yet even when the only means of proving such testimony is by the oral testimony of those who heard it at the examination, and they are able to repeat it in substance, such a method, according to the majority opinion, is permissible. *State v. Harmon,* 70 Kan., 476; *Baker v. Sands,* 140 S. W. (Texas), 520. But in *United States v. Wood,* Fed. Cas. No. 16, 756, it was held that the witness must repeat the testimony of even a deceased witness exactly as it was given, and not merely in substance. And in *Wade v. State,* 7 Baxt. (Tenn.), 80, the witness was required to repeat it in such detail as the Court should demand.

EVIDENCE—DOCUMENTARY—TIME BOOKS.—BOCKELCAMP V. LACKAWANNA & W. V. R. CO., 81 ATL., 93 (PA.).—*Held,* a time book, not a book of original entries, of an employer is inadmissible to show the hours that an employee worked on a particular day where the book was made from time slips which were not produced, and where the witnesses who made the entries were not produced.

The established rule is that a book which is not a book of original entries is not admissible. *Rumsey v. Tel. Co.,* 49 N. J. L., 322; *Woolsey v. Boher,* 41 Minn., 235; *Bently v. Ward,* 116 Mass., 333; *Way v. Cross,* 95 Ia., 258. While a book of original entries fair and regular on its face will, provided it is properly authenticated, generally be admissible in evidence. *Folsom v. Grant,* 136 Mass., 493; *Anchor Milling Co. v. Walsh,* 108 Mo., 277; *Lunsford v. Butler,* 102 Ala., 403. Whether a book is one of original entries is something difficult to decide; the fact, however, that temporary memoranda were originally made, and the entries then made from them in the books, does not make them inadmissible; they are still books of original entries. *Faxon v. Hollis,* 13 Mass., 427; *McGoldrick v. Teaphagen,* 88 N. Y., 334; *Hall v. Glidden,* 39 Me., 445. For their admission in evidence proper authentification by the party making the entries is essential; or in case of his death or other disability, by proof of his handwriting. *Miller v. Shay,* 145 Mass., 162; *Stroud v. Tilton,* 4 App. Dec. (N. Y.), 324. It must be shown that the entries were made in the regular